

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION

B.P.J., by her next friend and mother,  
HEATHER JACKSON

*Plaintiff,*

v.

WEST VIRGINIA STATE BOARD OF EDUCATION, HARRISON COUNTY BOARD OF EDUCATION, WEST VIRGINIA SECONDARY SCHOOL ACTIVITIES COMMISSION, W. CLAYTON BURCH in his official capacity as State Superintendent, DORA STUTLER in her official capacity as Harrison County Superintendent, and THE STATE OF WEST VIRGINIA

*Defendants*

and

LAINEY ARMISTEAD

*Defendant-Intervenor.*

Case No. 2:21-cv-00316

Hon. Joseph R. Goodwin

Oral Argument Requested

**DEFENDANT-INTERVENOR'S MOTION TO EXCLUDE EXPERT TESTIMONY OF MARY FRY**

Defendant-Intervenor Lainey Armistead moves to exclude the testimony of Mary Fry pursuant to Federal Rule of Evidence 702 and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993). In support of her motion, Ms. Armistead relies on the affidavits, admissions, depositions, expert reports, studies, and other documents included in the Appendix attached to Defendant Intervenor and the State of West Virginia's Motion to Exclude Expert Testimony of Dr. Deanna Adkins in addition to the contemporaneously filed Memorandum of Law. Ms. Armistead requests oral argument to be heard at a time and date set by the Court under Local Rule of Civil Procedure 9.8. Ms. Armistead respectfully prays for this relief and for any further relief this Court may deem just and proper.

Respectfully submitted this 12th day of May, 2022.

*/s/ Brandon S. Steele*

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**CERTIFICATE OF SERVICE**

I, Brandon Steele, hereby certify that on May 12, 2022, I electronically filed a true and exact copy of the forgoing with the Clerk of Court and all parties using the CM/ECF system.

/s/ Brandon S. Steele

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